

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

2015 VOLVO VNL 300 TRACTOR  
VIN: 4V4N99EH9FN913354,  
Defendant

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CIVIL NO.: 5:21-CV-110

**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Plaintiff in the above entitled and numbered cause, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, files this action for forfeiture *in rem* against one 2015 Volvo VNL 300 Tractor, VIN: 4V4N99EH9FN913354, hereinafter “Defendant Vehicle”. In support of this forfeiture complaint, the United States alleges on information and belief the following:

**JURISDICTION AND VENUE**

1. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355. The Defendant Vehicle was seized by U.S. Border Patrol agents at the IH-35 Border Patrol Checkpoint located north of Laredo, Texas, and is located within the Southern District of Texas. Accordingly, Defendant Vehicle is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to Title 28, United States Code, §§ 1391(b) and 1395(a) and (b).

**STATUTORY BASIS FOR FORFEITURE**

3. This is a civil action *in rem* brought to enforce the provisions of Title 8, United States Code, Section 1324(b). The United States alleges that the Defendant Vehicle was used as a conveyance for the transportation of undocumented aliens in violation of Title 8, United States Code, Section 1324 and is subject to forfeiture.

**FACTUAL BASIS FOR FORFEITURE**

4. In support of the assertions in paragraph 3 above, Plaintiff would show the Court that on April 30, 2021, Jonathan Christian Marshall drove the Defendant Vehicle to the Laredo North Border Patrol Checkpoint located at mile marker 29 on IH-35, north of Laredo, Texas.

5. During the immigration inspection of Jonathan Christian Marshall, Border Patrol Agent Raul Garza asked for and received consent to search the interior cab of Defendant Vehicle. During the search, Border Patrol Agent Garza discovered four individuals concealed underneath a blanket and a clothes hamper filled with clothes. An immigration inspection of the four individuals was conducted, and Border Patrol agents determined that all four were citizens of Mexico with no legal status or authorization to enter, travel through, or remain in the United States.

6. Under *Miranda* rights advisement and waiver thereof, Jonathan Christian Marshall stated that a friend asked him to take several people to San Antonio, Texas and in return, he would be paid several hundred dollars per person. Jonathan Christian Marshall further stated that on April 30, 2021, he picked up the four individuals at mile marker 13 on IH-35 where they were waiting in a black vehicle. Jonathan Christian Marshall continued to travel to the Laredo North Border Patrol Checkpoint where he was arrested in Defendant Vehicle.

7. Rosa Mercedes Burgos-Nahuat and Maria Cristina Manzano-May were two of the four individuals found hidden in the cab of Defendant Vehicle. They admitted to illegally entering the United States through the Rio Grande River from Mexico with the intent that they be transported for a fee into the interior of the United States.

8. On May 18, 2021, Jonathan Christian Marshall was indicted in the Southern District of Texas, case number 5:21-CR-921, for one count of conspiracy to transport an undocumented alien within the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (v)(I) and two counts of transporting an undocumented alien within the United States for financial gain. On June 28, 2021, Jonathan Christian Marshall pleaded guilty to conspiring to transport an undocumented alien. Contemporaneous with the entry of his guilty plea, Jonathan Christian Marshall agreed in writing to a factual stipulation that he knowingly conspired to transport an undocumented alien within the United States by means of the Defendant Vehicle.

By reason of the foregoing recitations, the Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

**NOTICE TO ANY POTENTIAL CLAIMANT**

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or a motion under Fed. R. Civ. P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the

Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vehicle to appear on the return day of said process and make such Claim and Answer as they may have;
2. That a Judgment of Forfeiture be decreed against the Defendant Vehicle;
3. That, following a Judgment of Forfeiture, the Defendant Vehicle be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may be entitled.

Respectfully submitted,


JENNIFER B. LOWERY  
ACTING UNITED STATES ATTORNEY

BY:

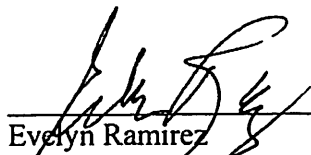
s/Mary Ellen Smyth  
Mary Ellen Smyth, Assistant U.S. Attorney  
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Southern District Adm. 31348  
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**VERIFICATION**

I, Ignacio Garcia Jr., am a Border Patrol Agent and Asset Forfeiture Officer of the Laredo Sector Asset Forfeiture Office in Laredo, Texas. I declare under the penalty of perjury that I have read the foregoing Verified Complaint for Civil Forfeiture *In Rem* and Notice to Potential Claimants, and that the facts stated in paragraphs 4 through 8 of the Complaint are based upon information and reports obtained from other United States Border Patrol Agents, court filings, and upon information I obtained in the course of my investigation. The facts set forth herein are true and correct to the best of my knowledge and belief.

  
Ignacio Garcia Jr.  
U.S. Border Patrol  
Asset Forfeiture Officer  
Laredo Sector

Sworn to and subscribed before me, the undersigned authority, on the 9th day of September, 2021

  
Evelyn Ramirez  
Notary Public, State of Texas

